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To: U.S. Dept. of Justice, Anti-trust Division
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Message: We are filing a letter
regarding the Microsoft Settlement
as part of the public Comment
under the Tunney Act.
Carol + Dennis Buss

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November 29, 2001

U.S. Department of Justice
Antitrust Division
Washington, D.C.

Re: Microsoft Settlement
Comments under the Tunney Act

We believe that the U. S. Department of Justice and the Attorneys General of the various states, in particular, California and Connecticut, have abused their power by misleading the American public. Under the guise of "protecting the American consumer" from the monopolistic practices of Microsoft, their real aim has been to protect Microsoft's competitors, particularly Sun Microsystems, Oracle Corporation and AOL Time Warner. It is appalling that the U.S. government has wasted its resources and taxpayer dollars trying to destroy a successful American company. The above competitors through their lobbying efforts, have successfully used the government for their own gains. The government should be more forthright and declare their real purpose in pursuing Microsoft.

We wholeheartedly support the recent November, 2001 settlement with the U.S. Department of Justice. The economy and the entire technology sector, including Microsoft's competitors, large and small, will be aided by Microsoft's strength in the marketplace. A rising tide lifts all boats, and as we have seen, a falling tide has done just the opposite, hurting innovation in the entire tech sector, including small, upstart tech firms, many of which have gone out of business.

The American people have been harmed more by the drop in the stock price of Microsoft Corporation and, as an indirect result, the subsequent drop in the prices of various technology companies' stock over the last 20 months, than by any possible overcharge by Microsoft. Many Americans would have preferred to spend an extra amount of money on a Microsoft product, than lose thousands and millions of dollars in their portfolios and 401 K plans. Microsoft is a premier American company and the leader of American technology companies. The drop in its stock price has affected many others on the NASDAQ. It is core holding of many institutional funds and a core holding in many American's 401 K plans and personal portfolios.

Average Americans have lost trillions of dollars of wealth in the last 20 months, much of it in technology stocks. Some of this loss can be in part attributed to the Government's relentless pursuit of Microsoft, and the subsequent precipitous drop in the stock prices of many other technology companies. Also, Fed Chariman Greenspan's desire to quell the "irrational exuberance" of stock market investors by raising rates in 2000, even as the market had already started to fall on its own, did additional damage to the financial markets. The government is not doing the consumer "any favors" by interrupting the natural free flow of the capital markets. (The government did not help Microsoft in its fledgling existence in an Albuquerque strip mall from the vagaries of

IBM corporation, did it? Microsoft managed to become a great American company on its own.)

Most importantly, the government's actions actually impeded innovation and competition in technology by hurting the stock prices of technology companies nationwide. Many of these new companies' stock has fallen 90, 95, even 99%. Even the prices of established technology companies have fallen to prices of 3-5 years ago, before the recent "tech bubble". Many small innovative companies have gone bankrupt, or if they are still in business, cannot raise the capital necessary to continue as going concerns. The market capitalization of these companies have fallen so precipitously that not only they cannot raise capital, but many American citizens are having liquidity problems.

In summary, the government should be more concerned about the severe impact of the lack of capital spending by businesses, which precipitated the severe drop in stock prices. This abrupt halt in capital spending by businesses and the inability of companies to raise capital have resulted in layoffs of millions of American workers. The stock portfolios of American citizens have fallen 50 - 90% and more. Americans are having nervous breakdowns, are losing or selling or mortgaging their homes to raise cash necessitated by the severe losses suffered in the stock market and loss of jobs. Formerly wealthy individuals cannot afford to spend and provide jobs to lower income individuals, which, in turn, hurts their families. Americans have been more harmed by these issues than by Microsoft possibly overcharging.

Some of the State Attorney Generals are holding out on the settlement, preferring to go to court, and wasting still more taxpayer dollars. Why not put this to a vote of every American citizen? Let each and every American decide, instead of letting their elected officials pursue their own interests under the guise of "protecting" the American consumer.

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